

**WESTLAW**

Vernon's Annotated Missouri Statutes

Title XXXVIII. Crimes and Punishment; Peace Officers and Public Defenders

Chapter 565. Offenses Against the Person (Refs &amp; Annos)

**565.033. First degree murder, defendant under eighteen years of age, penalty, factors**

Vernon's Annotated Missouri Statutes - Title XXXVIII. Crimes and Punishment; Peace Officers and Public Defenders

Effective: July 13, 2016 (Approx. 2 pages)

**Effective: July 13, 2016**V.A.M.S. **565.033****565.033.** First degree murder, defendant under eighteen years of age, penalty, factors

Currentness

1. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of life without eligibility for probation or parole as provided in section 565.034, life imprisonment with eligibility for parole, or not less than thirty years and not to exceed forty years imprisonment.

2. When assessing punishment in all first degree murder cases in which the defendant was under the age of eighteen at the time of the commission of the offense or offenses, the judge in a jury-waived trial shall consider, or the judge shall include in instructions to the jury for it to consider, the following factors:

- (1) The nature and circumstances of the offense committed by the defendant;
- (2) The degree of the defendant's culpability in light of his or her age and role in the offense;
- (3) The defendant's age, maturity, intellectual capacity, and mental and emotional health and development at the time of the offense;
- (4) The defendant's background, including his or her family, home, and community environment;
- (5) The likelihood for rehabilitation of the defendant;
- (6) The extent of the defendant's participation in the offense;
- (7) The effect of familial pressure or peer pressure on the defendant's actions;
- (8) The nature and extent of the defendant's prior criminal history, including whether the offense was committed by a person with a prior record of conviction for murder in the first degree, or one or more serious assaultive criminal convictions;
- (9) The effect of characteristics attributable to the defendant's youth on the defendant's judgment; and
- (10) A statement by the victim or the victim's family member as provided by section 557.041 until December 31, 2016, and beginning January 1, 2017, section 595.229.

**Credits**

(L.2016, S.B. No. 590, § A, eff. July 13, 2016.)

**V. A. M. S. 565.033, MO ST 565.033**

Statutes are current through the end of the 2017 First Regular Session and First and Second Extraordinary Sessions of the 99th General Assembly. Constitution is current through the November 8, 2016 General Election.

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